

LABOUR DEPARTMENT

The 2nd February, 1968

No. 553 Lal-68-5748.—In exercise of the powers conferred by section 17 of the Employees Provident Fund Act, 1952 (19 of 1952), read with the Government of India, Ministry of Labour, Employment and Rehabilitation notification No. SO/1236, dated 20th Jan., 1958, published in Part II, section 3(ii) of the Government of India Gazette, dated the 28th June, 1958, the President of India is pleased to grant exemption to M/s Bharat Starch & Chemical Ltd., Yamuna Nagar, from the operation of the provisions of the Employees Provident Fund Scheme, 1952, with effect from the date of issue of this notification subject to the conditions specified in Schedule hereto annexed in addition to the conditions mentioned in sub-section 1 of section 17 of the Employees Provident Fund Act, 1952.

Condition of Exemption

Every factory shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any scheme in relation to the employees in any other factory of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each factory hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the provident fund maintained in respect of the factory in regard to the following matters, namely:—

(a) the provident fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882.

(b) The Board of Trustees shall consist of an equal number of representatives of the employees and the employer and all representatives of the employees and the employer and all questions before the Board shall be decided by a majority of votes.

(c) the employer shall nominate one of his representative on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the factory. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said scheme (hereinafter referred to as Regional/State Commissioner) within whose

jurisdiction the factory to which the matter relates is located and his decision shall be final.

3. The Provident fund rules of any factory shall not be amended except with the previous approval of the Regional/State Commissioner where any amendment affects the interests of the employees before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the provident fund in such manner and submit such returns to the Regional/State Commissioners as the Central Provident Fund Commissioner may, from time to time, direct.

(b) The employer shall furnish to the Regional/State Commissioners such accounts relating to the Provident Fund of the factory as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a pass book, in such form as may be approved, to each subscriber who, but for the exemption would have been member of the Fund established under the Employers' Provident Fund Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the provident fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice-board of his factory in English, a copy of the approved rules and the translation of salient points of the rules in the language of the workers.

8. The employer shall within 3 months of this notification transfer to Board, the Provident Fund accumulation standing to the credit of the employees who but for the exemption would have been members of the statutory fund.

9. When the fund wound up or exemption to the factory is cancelled, accumulations standing to the credit of the employees who but for the exemption, would have been members of the statutory fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and, in not later than 10 days in the case of cash in hand or bank, together with a statement or statements

as may be required by the Regional/State Commissioner or Commissioners concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in the factory. Such an employee shall immediately be admitted as a member of the factory's Provident Fund. His accumulations which shall be transferred within 3 months of his joining the factory shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee, that is 12.5 paise or more shall be counted as the next higher quarter of a rupee, and fractions of a rupee less than 12.5 paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 paise, that is, 2.5 paise or more shall be counted as 5 paise and any amount less than 2.5 paise shall be ignored.

13. On all repayable loans granted by factories interest shall be charged at the rate of $4\frac{1}{2}$ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner, inspection charges, payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the appropriate authority for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The election procedure for election of the employees' representative on the Board of Trustees as prescribed by the Central Provident Fund Commissioner, New Delhi, shall be followed.

The procedure of election of employees' representatives on the Board of Trustees of the Provident Fund will be as follows :—

1. **Constitution.**—The employer of an establishment exempted under section 17 of the Employees' Provident Fund Act, 1952 (19 of 1952) shall constitute a Board of Trustees (Hereinafter referred to as the Board) in the matter hereinafter provided.

2. **Number of Members.**—(1) The Board shall consist of an equal number of representatives of the employers and the employees. The number of trustees on a Board shall be so fixed as to afford, as far as possible, representation to workers in various branches/departments of the establishment.

Provided that the number of Trustees on a Board shall neither be less than six nor more than twelve.

(2) In the case of common Provident Fund for a group of two or more establishments under the same employer, one Board may be constituted for all such establishments.

Provided that the employees of each such establishment shall be entitled to elect a Trustee on the Board.

3. **Employers' representatives.**—The employer shall nominate his representatives from amongst the officers employed in managerial or administrative capacity in the establishment.

4. **Election of employees' representative.**—The representatives of the employees shall be elected by the members of the fund in an election to be held for the purpose on any working day.

Provided that wherever there is a recognised Union under the Code of Discipline or under any State Act, such Union shall nominate the employers' representatives.

Provided further that wherever there is no recognised Union, the representative Union, if any existing under any law regulating the recognition of workers' Union, shall nominate the employees' representatives.

Provided also that wherever there is neither a recognised Union nor a representative Union of workers, any Union existing in the establishment and qualified for recognition by the employer, shall nominate the employees' representatives. Where there is more than one such Union, the procedure laid down in the Industrial Disputes (Central) Rules, 1957, for the election of the workers' representatives on the Works Committee shall be followed with such modification, if any, as may be considered necessary by the Regional/State Provident Fund Commissioner.

5. **Qualifications of candidates for election.**—(1) Any member of the Fund who is not less than 21 years of age may, if nominated as hereinafter provided, be a candidate for election as an employees' representative; (2) An outgoing trustee shall be eligible for re-election or re-nomination as the case may be.

6. **Procedure for election.**—The employer shall fix a date for receiving the nominations from candidates for election as employees' representatives. He shall also fix a date for the withdrawal of nominations and the date of election which shall not be earlier than three days or later than ten days after the closing date for withdrawal of nominations. The dates so fixed shall be notified to the members at least seven days in advance. The notice shall be affixed on the notice-board of the establishment. The notice shall also specify the number of the seats to be filled by the employees' representatives. A copy of such notices shall also be sent to the recognised trade Union or the Unions concerned in the establishment and to the Regional/State Provident Fund Commissioner.

7. **Nomination of candidates for election.**—Every nomination shall be made in the form annexed to these rules. Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two members of the Fund, other than the proposer and shall be delivered to the employer before or on the closing date fixed for receiving the nominations.

8. Scrutiny of nomination papers.—The employer shall scrutinize the nomination papers received under rule 7 on the date following the last date fixed for withdrawing the nomination papers. The candidate or his nominee, the proposer or the attesting members may be present, if they so desire. The invalid nomination papers shall be rejected.

9. Voting in election.—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall forthwith be declared duly elected; (2) If the number of candidates is more than the number of seats, voting shall take place on the date fixed for election. (3) The election shall be conducted by the employer in the presence of an officer, deputed by the Regional/State Provident Fund Commissioner; (4) Every member of the Fund shall have as many votes as there are seats to be filled on the Board.

Provided that each such member shall be entitled to cast only one vote in favour of any one candidate.

(5) The voting shall be by Secret Ballot.

10. Disqualifications of a trustee.—A person shall be disqualified for being a trustee of the Board.

(i) If he is declared to be of unsound mind by a competent court, or;

(ii) If he is an undischarged insolvent or ;

(iii) If he has been convicted of an offence involving moral turpitude.

11. Chairman of the Board.—The employer shall nominate one of his representatives on the Board to be the chairman thereof. In the event of an equality of votes, the chairman shall exercise a casting vote.

12. Filling of casual vacancies.—In the event of a trustee, elected or nominated, ceasing to be a trustee during the tenure of the Board, his successor shall be elected or nominated, as the case may be in the manner hereinbefore provided for election or nomination:—

13. Reference to Regional Provident Fund Commissioner.—In case of any dispute or doubt the matter shall be referred to the Regional Provident Fund Commissioner in whose region the Head office of the establishment is situated. His decision in the matter shall be final and binding.

14. Provision for residuary matters.—All matters not provided for in these rules shall be regulated by the approved provident fund rules of the establishment.

LABOUR DEPARTMENT

The 7th March, 1968

No. 1332-2Lab-2-68/5004.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 5 of the Minimum Wages Act, 1948 (Central Act, 11 of 1948) the President of India is pleased to appoint a committee consisting of the following persons to hold enquiries and advise the Government in revising minimum rates of wages in respect of the employment in Foundries with or without attached Machinshop, originally fixed,—*vide* Punjab Govt. Notification No. 1717/1951-C-Lab-57/3029, dated the 22nd February, 1957, and revised *vide* Punjab Government notification No. SO-465-CA/11/48 S.S'63, dated the 15th November, 1963, and fixing minimum rates of wages in respect of workers employed in the said employment for whom no wages were fixed previously in the aforesaid notification.

Government nominee (who do not represent any interest)

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| 1. Shri D. A. Karan, Deputy Labour Commissioner, Haryana | .. Chairman |
| 2. Director of Industries, Haryana (or his nominee) | .. Member |

Employers Representatives

1. Shri V. P. Dhanda, Director, M/s Dhanda Engineers (P) Ltd., N.I.T. Faridabad
2. Shri G. S. Bawa, M/s Bawa Iron and Steel Works Ltd., Sonapat.
3. Shri Chaman Lal Prop. M/s Krishan Foundry, Ambala City

Employees Representatives

1. Shri Jai Gopal, Hind Mazdoor Sabha, Yamna Nagar
2. Shri Darshan Singh, All India Trade Union Congress, Faridabad
3. Shri Sagar Ram Gupta, Indian National Trade Union Congress, ex-M.L.A., Bhiwani

2. The Committee shall make its recommendations to the State Government within four months of the date of publication of this notification in the official Gazette.

3. The Head quarters of the Committee will be at Chandigarh, but it can hold meetings at other places in the State of Haryana, if considered necessary.

R.I.N. AHOOJA, Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 6th March, 1968

No. 1223-2Lab-68/4591.—The President of India is pleased to reconstitute the District Committee of Employment, Gurgaon consisting of the following members :—

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| 1. The Deputy Commissioner, Gurgaon. | ... Chairman |
| 2. The President, Industrial Association, Gurgaon. | .. Employers' representative |
| 3. The Chairman, Faridabad Industries Association, Faridabad. | Ditto |

4.	The General Secretary, I. N. T. U. C. General Mazdoor Council Union, Faridabad.	Workers' representative
5.	A representative of the Gurgaon Engineering Workers Union, Faridabad.	Ditto
6.	The Chairman, Zila Parishad, Gurgaon.	Member
7.	The Executive Engineer, P. W. D., Provincial Division B. & R., Gurgaon.	Do
8.	The Secretary, District Soldiers, Sailors and Airmen's Board, Gurgaon.	Do
9.	The Senior District Industries Officer, Gurgaon.	Do
10.	The District Public Relations Officer, Gurgaon.	Do
11.	The District Education Officer, Gurgaon.	Do
12.	The Labour Inspector, Gurgaon.	Do
13.	The Principal, Industrial Training Institute, Gurgaon.	Do
14.	The District Statistical Officer, Gurgaon.	Do
15.	The Commanding Officer, Ammunition Depot, Gurgaon.	Do
16.	The Resident Engineer, Haryana Faridabad.	Do
17.	The Sub-Divisional Officer (Civil), Rewari.	Do
18.	The Sub-Divisional Officer (Civil) Palwal.	Do
19.	The Sub-Divisional Officer (Civil), Ballabgarh.	Do
20.	The District Employment Officer, Gurgaon.	Do
21.	The Sub-Regional Employment Officer, Faridabad.	Member/Secretary

2. The object of the Committee would be to advise the District Employment Exchange, Gurgaon on problems relating to employment, creation of employment at opportunities and the working of the National Employment Service. Its function would be as follows :—

- (i) to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities ;
- (ii) to advise on the development of National Employment Service ;
- (iii) to advise on development of personnel retrenched on the completion of development projects ;
- (iv) to consider special programme relating to educated unemployed ;
- (v) to advise on the development of the Youth Employment Service and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirements of trained craftsmen and advise the National Council for Training in Vocational Trades.

3. The term of the office of the members of the Committee would be three years.

4. If a member of the Committee fails to attend two consecutive meetings of the committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.